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Action

Public Hearing

Proposed Additions and Amendments to Title 5 of the California Code of Regulations Pertaining to the Teaching Permit for Statutory Leave and Day-to-Day Substitute Teaching

Executive Summary: This item presents the proposed addition of Title 5 section 80022 and amendments to Title 5 section 80025.3 of the California Code of Regulations pertaining to the Teaching Permit for Statutory Leave and day-to-day substitute teaching.

Recommended Action: Staff recommends that the Commission adopt the proposed regulations pertaining to the Teaching Permit for Statutory Leave and the proposed amendments pertaining to day-to-day substitute teaching.

Presenter: Erin Skubal, Programs Manager, Certification Division

Strategic Plan Goal

I. Educator Quality

- c) Ensure that credential processing and assignment monitoring activities accurately, effectively, and efficiently identify educators who have met high and rigorous certification standards and who are appropriately assigned.

Proposed Additions and Amendments to Title 5 of the California Code of Regulations Pertaining to the Teaching Permit for Statutory Leave and Day-to-Day Substitute Teaching

Introduction

This rulemaking action proposes that the Commission on Teacher Credentialing adopt additions and amendments to Title 5 of the California Code of Regulations (CCR) sections 80022 and 80025.3 related to the Teaching Permit for Statutory Leave (TPSL) as approved by the Commission at the February 2016 meeting. The proposed regulations implement, interpret, and make specific Education Code section 44225 pertaining to credentials and permits issued for public school service by the Commission. The proposed amendments also include general clean-up of regulatory section 80025.3 in regards to documents that meet the requirements to substitute teach on a day-to-day basis.

Background

California Education Code section 44225 explicitly states that the Commission shall develop credentials and permits to be issued for public school service, including standards for issuance, authority and scope of authorizations, and length of validity for such documents. This section also gives the Commission the authority to establish alternative methods for entry into both the teaching profession and other certificated roles in California's public schools.

During the Audience Presentation portion of the June 2014 meeting of the Commission on Teacher Credentialing (Commission), members of the California County Superintendents Educational Services Association (CCSESA) presented this issue for Commission consideration. Since then, Commission staff has engaged in a series of conversations with representatives from stakeholder groups, including but not limited to the Association of California School Administrators, California County Superintendents Educational Services Association, California Department of Education, California Federation of Teachers, California School Boards Association, California Teachers Association, Public Advocates, Special Education Administrators of County Offices, and State Special Education Local Plan Areas.

These stakeholder groups discussed a variety of potential solutions, including the development of a new permit to provide a targeted solution to resolve some of the issues that impact students in relation to statutory teacher leaves. A majority of stakeholders who participated in preliminary work surrounding this issue agreed that the current options for resolving statutory leave issues are insufficient. Commission discussion on the topic indicated that staff should develop regulations that address this issue by balancing student welfare with the needs of California public school employers.

Statutory Leave Issues

California public school employers must comply with the Federal and State employee leaves outlined in *Table 1*. In some cases, such statutory leaves may be taken concurrently or may be taken consecutively. Most statutory teacher leaves extend beyond the 20 or 30 day service limitation set forth in statute and regulations. This limitation often results in the use of a rotation of substitute teachers to cover the assignment of a teacher out on an extended statutory leave, creating an inconsistent and inadequate learning environment. A safe and effective learning environment begins with a teacher who is consistent. This trusted rapport allows behaviors to be supported in antecedent stage, and these proactive strategies are one important key to student success.

Table 1

Statutory Leaves	
Type of Leave	Statutory Reference
Sick Leave	Education Code §44978
Differential Sick Leave	Education Code §44977
Pregnancy Disability Leave Act	Government Code §12945
Family and Medical Leave	Government Code §12945.2 and 29 U.S.C. §2601, et seq.
California Family Rights Act	Government Code §12945.2
Industrial Accident and Illness Leave	Education Code §44984

In a situation when a teacher is out on one of these statutory leaves for the maximum length, the unfilled position may require a rotation of several substitute teachers. For example, if a teacher of record for a classroom goes out on the maximum leave afforded under the Pregnancy Disability Leave Act they will be out of their general education classroom for four months. During this time, three different Emergency 30-Day Substitute Teaching Permit holders would need to be assigned to cover this classroom due to the 30 day service limitation. If this were a special education classroom, the 20 day limitation would require four different substitutes during that four month period (e.g., 20 instruction days per month). Further, such leaves can and often are taken consecutively, with teachers using personal sick leave or Family Medical Leave in conjunction with other statutory leaves.

To address concerns surrounding classrooms where a teacher is out on statutory leave, the Commission took action at the February 2016 meeting ([Agenda Item 2A](#)) to approve proposed additions and amendments to Title 5 regulations pertaining to creation of the TPSL. The Commission also requested that staff work with stakeholders to finalize sections of the proposed regulations that were discussed during the public comment period. These sections included the content areas for TPSL preparation, and the requirement for employer-provided mentoring and support.

Stakeholder Discussions and Proposed Regulation Changes

Stakeholders agreed that the proposed regulations should include the following changes:

1. The addition of *Classroom Management and the Learning Environment* as a separate content area that includes preparation in developing, implementing, adapting, modifying,

and evaluating a variety of pedagogical approaches to instruction; and using and developing instructional sequences and lesson plans that provide all students with equitable access to the content and experiences found in the state-approved core curriculum.

2. The definition of *Mentoring* was modified to require the Local Employing Agency (LEA) to provide an average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment, and that within this system of support, the TPSL holder shall be provided lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and Individualized Education Programs (IEPs).
3. The definition of *Accountability* was updated to provide clarity on what TPSL assignment data an LEA must collect. The updated definition states that the term “accountability” shall mean:
 - (A) *That the local employing agency has made reasonable efforts in hiring a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and that no such candidate is available, and*
 - (B) *That documentation verifying the appropriate use of each permit holder’s assignment shall be kept on file with the local employing agency and that data on the assignments of the permit holder shall be reported to the local county office of education annually as part of the assignment monitoring specified under Education Code section 44258.9. Documentation verifying the appropriate use of each permit shall include:*
 1. *name of the permit holder serving in the assignment,*
 2. *teacher of record,*
 3. *specific statutory leave section that justifies use of the TPSL permit,*
 4. *school site of assignment,*
 5. *setting, subject, and grade level of statutory leave assignment,*
 6. *name of mentor assigned to TPSL permit holder, and*
 7. *number of cumulative day the TPSL holder served in specific statutory leave assignment.*

Stakeholders also discussed the suggestion that the TPSL regulations include a sunset date by which the regulatory provisions shall end. Stakeholders recognized that a sunset date would hinder their confidence and ability to develop the TPSL preparation. Many stakeholders felt that having a sunset date would be a disincentive to create the preparation and could not envision investing the necessary time and funds if the permit was only guaranteed to be available for a finite number of years.

However, stakeholders agreed that the TPSL should be closely monitored for the first several years to ensure its effectiveness and appropriate use. It was suggested that a separate Commission action to request a report on the use of the TPSL after its first two years of

implementation would be an appropriate alternative. Additionally, the TPSL assignment data would be provided annually in the Teacher Supply Report as well as biannually in the Assignment Monitoring report.

Summary and Purpose of the Regulatory Provisions

Effective teaching requires careful crafting of learning communities built on trust and respect, as well as routines, expectations, resources, and strategies that support diverse students' intellectual engagement in learning. When a statutory leave forces a school to rotate a series of substitute teachers through a classroom, the opportunity to develop routines, trust, and respect are limited. The TPSL is a step towards bridging that lost continuity until the teacher of record is able to return from their leave.

The regulations propose the addition of a new section (80022) which creates the option for LEAs to request a TPSL to be used when a teacher of record is unable to provide services due to a statutory leave, as defined in section 80022(f)(19) and previously in *Table 1*. Providing this new option for LEAs will help the Commission meet the statutory requirement set forth in subsections (b) and (d) of EC section 44225.

The proposed TPSL would authorize service as the interim teacher of record for the full length of leave for any contracted teacher on a statutory leave as defined in regulations. The TPSL would not be an option to fill teacher vacancies and would be appropriate solely for classrooms where the contracted teacher of record is on a statutory leave requiring an interim teacher of record to serve in their place until their return. Service would be limited to the specific setting indicated in the document's authorization statement. Authorizations could be earned for specific Single Subject areas, Multiple Subjects, or Special Education. Individuals could potentially apply for and be issued more than one authorization on their TPSL, depending on qualifications.

Each component of the proposed regulations resulted from discussions with stakeholders who identified that a targeted solution was needed to bring stability and continuity to classrooms where a teacher of record is out on a statutory leave that extends beyond 20 days for special education or 30 days for general education. *Table 2* below outlines the specific components for the TPSL permit, including the requirements for issuance and renewal, and the purpose of each section of the proposed regulations. The consensus amongst stakeholders was that the TPSL provided a very specific, targeted solution for the problem of staffing temporary positions associated with statutory teacher leaves that extend beyond the 20 or 30 day service limitation that applies to the Emergency 30-Day Substitute Teaching Permit.

Table 2

Purpose and Necessity of Proposed Regulations	
Solution and Purpose <i>The underlying purpose of each solution is to address the concern brought forward by stakeholders in the preliminary discussion regarding the issue of statutory leaves.</i>	Regulatory Section(s)
Use of TPSL Permit - Clearly indicates that use of the TPSL is at the discretion of the LEA; thereby ensuring that the proposed regulations do not create a mandate on LEAs.	80022(a) 80022(d)
Bachelor's Degree Requirement - Require a Bachelor's or higher degree from a regionally accredited college or university which is a requirement for all Commission- issued K-12 teaching permits. This is a standard requirement for all Commission issued permits, including the Emergency 30-Day Substitute Teaching Permit (Title 5 CCR section 80025) and all emergency teaching permits (Title 5 CCR section 80023.2(a)).	80022(a)(2)
Basic Skills Requirement - Meet the California basic skills requirements (unless exempt by statutes or regulations); this is a statutory requirement set forth in EC section 44252.	80022(a)(3)
Authorization of TPSL Permit - Require that the permit be issued with teaching authorization(s) that authorizes service in a specific subject and/or setting for Single Subjects, Multiple Subjects, and Special Education. - These authorizations clearly define the subject area and/or setting that the permit holder has demonstrated subject matter knowledge for. EC section 44225(d)(2) tasks the Commission with establishing standards that ensure an individual requesting a permit is knowledgeable of the subjects to be taught in the classroom. - Stakeholders agreed that the authorizations should follow those of the teachers whose classroom the permit holder would be assigned to. EC indicates that credentials shall be issued in single subject instruction (44256(a) and 44257), multiple subject instruction (44256(b)), and specialist instruction, including special education (44256(c)). The correlating authorizations for the TPSL were selected to mirror the teaching authorizations set forth in EC and regulations.	80022(a)(4) 80022(e)(1) 80022(e)(2) 80022(e)(3)
Subject Matter Competence Requirement - Require a specific subject matter component be met for each authorization being requested. EC section 44225(d)(2) tasks the Commission with establishing standards that ensure an individual requesting a permit is knowledgeable of the subjects to be taught in the classroom. - Subject matter requirements for Single Subject, Multiple Subjects, and Special Education were modeled after the requirements for the Short-Term Staff Permit as defined in Title 5 CCR section 80021(a)(3). - Stakeholders agreed that these requirements have been the standard for individuals to demonstrate subject matter knowledge when applying for similar permits and are appropriate for the TPSL. - Provide applicants with flexibility in demonstrating subject matter knowledge by providing three options to meet the subject matter requirement.	80022(a)(4)(A) 80022(a)(4)(B) 80022(a)(4)(C)

<p>Preparation Requirement</p> <ul style="list-style-type: none"> - Commission staff and stakeholders agreed that the TPSL preparation requirement should include 45 hours of preparation for each of the first three issuances of the permit (initial issuance, first reissuance, and second reissuance). - This requirement is consistent with other teaching permits issued by the Commission. EC section 44300(g) requires the holder of an emergency permit to participate in ongoing training, coursework, or seminars designed to prepare the individual in the subject area or areas in which he or she is assigned to serve, and that the employing agency verify that employees applying to renew their emergency permits are meeting these ongoing training requirements. While this section of EC does not apply to emergency permits for substitute teachers (per EC section 44300(i)), the intent of requiring individuals who are serving in assignments where they have not completed full preparation is evident and best for students. - The preparation equates to 135 hours which stakeholders felt balanced the need to have adequate content covered while not making the hour requirement too onerous. For comparison, the number of pre-service preparation hours required for an individual requesting an Intern credential is 120 hours of foundational pre-service preparation (Title 5 CCR section 80033(c)(6)) plus an additional 45 hours of support specific to teaching English learners (Title 5 CCR section 80033(b)(5)(A)), which equates to 165 hours. As well, the 120 hours must be completed prior to the initial issuance of the Intern credential and the 45 hours are on-going as the intern serves in their assignment. Because the TPSL permit holder could potentially serve in a single classroom the entire year, it was important to stakeholders that the total number of preparation hours be similar to that of an Intern credential holder. However, unlike an Intern, the TPSL holder is still serving in a temporary capacity and therefore the preparation can be fewer hours and can be spread across the first three issuances. 	<p>80022(a)(5) 80022(d)(1)(C) 80022(d)(2)(C)</p>
<p>Preparation Necessity</p> <ul style="list-style-type: none"> - The proposed regulations clearly define the broad content areas that stakeholders agreed were necessary for a TPSL holder to have adequate training in and that must be covered in the TPSL preparation. - Content areas that need to be addressed for each of the first three issuances are set forth within the regulations. These areas were identified as being vital to an individual who is not a fully prepared teacher but is serving in a long-term temporary teaching assignment. Consideration was also given to the existing Intern pre-service requirements which have been identified by the Commission as the fundamental area that an unprepared teacher of record must have prior to beginning an assignment. 	<p>80022(a)(5) subsections (A) through (J)</p> <p>80022(d)(1)(C) subsections 1 through 9</p> <p>80022(d)(2)(C) subsections 1 through 10</p>
<p>Validity Period</p> <ul style="list-style-type: none"> - The regulations clearly define the validity period of the TPSL. The one-year validity follows the validity and dating structure that can be found on other Commission-issued teaching permits that authorize service beyond 20 or 30 days. Title 5 CCR sections 80021(b) and 80021.1(b) set the one year validity period for the Short-Term Staff Permit and Provisional Internship Permit. 	<p>80022(b)</p>

<p>Option for Reissuance</p> <ul style="list-style-type: none"> - The option to reissue a TPSL was decided upon by stakeholders so that individuals with this higher-level of preparation beyond that required of a substitute permit holder may continue to serve in statutory leave assignments. These individuals would be highly desired for both statutory leave and substitute assignments because of the extra training and knowledge required to obtain the TPSL. 	<p>80022(d)</p>
<p>Preparation Content Areas</p> <ul style="list-style-type: none"> - The specific details of what each content area must include are defined in the proposed regulations so that an LEA knows what preparation should cover. - As well, the content was modeled after the pre-service requirements for Intern Credential holders as defined in Title 5 CCR section 80033(c)(6). This section of regulations identifies that an Intern Credential holder must complete 120 clock hours of foundational preparation in specific content areas as follows: <ul style="list-style-type: none"> <i>(a) Each Multiple and Single Subject Internship program must include a minimum of 120 clock hours (or the semester or quarter unit equivalent) pre-service component which includes foundational preparation in general pedagogy including classroom management and planning, reading/language arts, subject specific pedagogy, human development, and teaching English Learners.</i> <i>(b) Each Education Specialist Internship program includes a minimum of 120 clock hours (or the semester or quarter unit equivalent) pre-service component which includes foundational preparation in pedagogy including classroom management and planning reading/language arts, specialty specific pedagogy, human development, and teaching English Learners.</i> - Most of the TPSL preparation was derived from these requirements. Specifically, the following sections correspond to the following pre-service requirements: <ul style="list-style-type: none"> • <i>Best Practices in Instruction and Individualized Education Programs</i> defined in section 80022(f)(2) is covered in the Special Education (SE) preparation requirement for <i>specialty specific pedagogy</i>. • <i>Classroom Management and the Learning Environment</i> defined in section 80022(f)(3) is covered in General Education (GE) and SE preparation requirements for <i>classroom management and planning</i>. • <i>Curriculum and Instruction</i> defined in section 80022(f)(4) is covered in GE and SE preparation requirements for <i>classroom management and planning</i>. • <i>Human Development</i> defined in section 80022(f)(9) is covered in both the GE and SE preparation requirements for <i>human development</i>. • <i>Pedagogy</i> defined in section 80022(f)(14) is covered in GE and SE preparation requirements for <i>pedagogy</i>. • <i>Reading and Language Arts</i> defined in section 80022(f)(17) is covered in GE and SE preparation requirements for <i>reading/language arts</i>. • <i>Relationships Between Theory and Practice</i> defined in section 80022(f)(18) is covered in GE and SE preparation requirements for <i>classroom management and planning, pedagogy, and human development</i>. • <i>Teaching English Learners</i> defined in section 80022(f)(20) is covered in GE and SE preparation requirements for <i>teaching English Learners</i>. 	<p>80022(f)(2) 80022(f)(3) 80022(f)(4) 80022(f)(6) 80022(f)(8) 80022(f)(9) 80022(f)(11) 80022(f)(14) 80022(f)(17) 80022(f)(18) 80022(f)(20) 80022(f)(21)</p>

<ul style="list-style-type: none"> - The remaining content areas, including <i>Ethics (80022(f)(6))</i>, <i>Health, Safety, and Hygiene (80022(f)(8))</i>, <i>Local Context (80022(f)(11))</i>, and <i>Using Technology in the Classroom (80022(f)(21))</i> were derived from stakeholder feedback. These topics were identified as integral to the success of any temporary teacher who has not completed a teacher preparation program, and many LEAs already provide some introductory training in these topics for substitutes, especially those serving in a special education setting. 	
<p>Preparation Delivery</p> <ul style="list-style-type: none"> - The preparation hour requirements were divided into three tiers to make the requirement easier to meet and to present a structured delivery of content. As the TPSL holder serves each of the first three years, they should be exposed to new experiences and challenges in each classroom. The tiered delivery of the preparation allows the concepts to build upon each other in a scaffolded manner. - The proposed regulations provide a guide for each of the first three issuances that require 45 hours of preparation that includes the level of knowledge each content area should touch upon for each 45 hour segment of preparation. Content areas may be delivered at a foundational, intermediate, or proficient level. 	<p>80022(a)(5) subsections (A) through (J)</p> <p>80022(d)(1)(C) subsections 1 through 9</p> <p>80022(d)(2)(C) subsections 1 through 10</p>
<p>Acceptable Statutory Leaves</p> <ul style="list-style-type: none"> - The regulations clearly define the specific statutory leaves that a teacher of record may be out on which would authorize a TPSL holder to cover their assignment. The regulations also reference the specific statutory sections of Education Code and Government Code that defined each leave that the TPSL permit can be used for. This will ensure that LEAs can identify exactly which leaves are appropriate for a TPSL permit assignment. - Leaves that do not meet this definition, such as administrative leave, are not included in the definition, and would therefore not be appropriate for a TPSL assignment beyond 20 or 30 days. Vacant teaching positions that do not have a teacher of record would also not be appropriate for a TPSL assignment beyond 20 or 30 days. 	<p>80022(f)(19)</p>
<p>Restriction Requirement</p> <ul style="list-style-type: none"> - The mechanism the Commission uses to identify and track permit use by LEAs is through restricting the service of the permit to the LEA(s) requesting it. Both the Short-Term Staff Permit and Provisional Internship Permit are restricted documents. The TPSL regulations follow the regulatory language for these documents, including the definitions of an employing agency (Title 5 CCR sections 80021(f) and 80021.1(f)) and restriction of service (Title 5 CCR sections 80021(d) and 80021.1(d)). 	<p>80022(c)</p> <p>80022(f)(5)</p>
<p>Mentor Requirement</p> <ul style="list-style-type: none"> - To address stakeholder concerns for a system of support for the TPSL holder, the proposed regulations require the LEA to provide the TPSL holder with a mentor who is credentialed in a corresponding area as the statutory leave assignment. This requirement is also consistent with existing EC 44300(f), which states that the holder of an emergency permit “shall teach only with the assistance and guidance of a certificated employee of the district who has completed at least three years of full-time teaching experience, or the equivalent thereof. It is the intent of the Legislature to encourage districts to provide directed teaching experience to new emergency permit holders with no prior teaching experience.” While this section of EC does not apply to emergency permits for substitute teachers (per EC section 44300(i)), the intent of requiring individuals who have not completed a full teacher preparation program to be provided guidance and assistance throughout their assignment is evident and best for students. 	<p>80022(a)(6)</p> <p>80022(d)(1)(B)</p> <p>80022(d)(2)(B)</p> <p>80022(d)(3)(B)</p> <p>80022(f)(12)</p>

<ul style="list-style-type: none"> - The regulations also identify an average number of mentoring hours per week that the TPSL holder should receive. This requirement is consistent with the required hours of mentoring that an Intern Credential holder must receive as outlined in Title 5 CCR section 80033(b)(4) which states that “...A minimum of two hours of support/mentoring and supervision shall be provided to an intern teacher every five instructional days.” 	
<p>Accountability</p> <ul style="list-style-type: none"> - To address accountability and data collection, the proposed regulations include the LEA’s assignment monitoring responsibilities outlined in EC section 44258.9. This section of EC gives the Commission the authority to collect teacher assignment data through the Assignment Monitoring Program. Under this statutory section, school districts are required to annually report specific assignment data (such as teacher vacancies) to their county office of education. This section of EC also identifies specific funding sources for counties to perform these monitoring activities and report misassignment and vacancy information to the Commission. In accordance with these statutes, the Commission could request and collect information on TPSL assignments as a part of the established Assignment Monitoring Program. Collecting this data could identify the nature and frequency of statutory teacher leaves and help to ensure that the TPSL is used only for its intended purpose. - For the purpose of assignment monitoring, the local employing agency would document specific information on each TPSL assignment, including the name of the TPSL holder serving in the specific assignment, teacher of record, the specific statutory leave section that justifies use of the TPSL, school site of the assignment, assignment setting, subject, grade level, name of the mentor assigned to the permit holder, and number of cumulative days the TPSL holder served in the specific statutory leave assignment. The documentation would be kept on file by the school district and reported to the local County Office of Education (COE) annually along with the district’s teacher vacancy data. The documentation for that data would be subject to review by the COE as part of the assignment monitoring conducted under EC section 44258.9. - The additional component of the accountability requirement is for the LEA to verify that they have made reasonable efforts to hire a substitute teacher that is credentialed in the area of the statutory leave assignment. This regulation mirrors the existing section of EC 56062 which outlines the priorities for placing substitutes in special education assignments and calls for an attempt to place fully credentialed teachers as substitutes for these assignments prior to using other substitutes. 	<p>80022(a)(6) 80022(d)(1)(B) 80022(d)(2)(B) 80022(d)(3)(B) 80022(f)(1)(A) 80022(f)(1)(B)</p>
<p>Early Orientation Requirement</p> <ul style="list-style-type: none"> - To address stakeholder concerns for a system of support for the TPSL holder, the proposed regulations require the LEA to provide the TPSL holder with an early orientation to the assignment before or during the first month of service in the statutory leave assignment. This requirement is consistent with existing EC 44300(f), which states that the holder of an emergency permit “shall attend an orientation to the curriculum and to techniques of instruction and classroom management.” While this section of EC does not apply to emergency permits for substitute teachers (per EC section 44300(i)), the intent of requiring individuals who have not completed a full teacher preparation program to be provided an orientation to their assignment is best for students. 	<p>80022(a)(6) 80022(f)(13)</p>
<p>Substitute Teaching</p> <ul style="list-style-type: none"> - The proposed regulations include amendments to the section of Title 5 regulations that authorize specific permits for substitute teaching beyond the three substitute permits 	<p>80025.3(b)</p>

<p>that the Commission issues. These permits meet the same standards that the Emergency 30-Day Substitute Teaching Permit requires, which is possession of a Bachelor's degree and satisfaction of the Basic Skills Requirement.</p> <p>- The amendments to Title 5 CCR section 80025.3(b) include the addition of the new Teaching Permit for Statutory Leave, the Provisional Internship Permit (PIP), and the Short-Term Staff Permit (STSP). The TPSL is included because it is a new document that meets the exact requirements that are outlined in this section of regulations. The PIP and STSP are included because they too meet these requirements and this section of regulations was not amended when the PIP and STSP regulations were created in 2005. This oversight has prevented PIP and STSP permit holders from being able to substitute teach without also holding an Emergency 30-Day Substitute Teaching Permit even though the requirements for the PIP and STSP include the required degree and Basic Skills.</p>	
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Additional components of the proposed regulations were included to align the new permit's requirements with the requirements for existing Commission-issued documents. Specifically, sections **80022(a)(1)**, **80022(d)(1)(A)**, **80022(d)(2)(A)**, and **80022(d)(3)(A)** propose the requirement of submitting a completed application form, submitting the processing fee, and having fingerprint clearance for all issuances of the Teaching Permit for Statutory Leave as outlined in existing sections of regulations. All documents issued by the Commission require the applicant to 1) submit a completed application as defined in section 80001, 2) submit a processing fee as defined in section 80487(a), and 3) complete the fingerprint clearance process as defined in section 80442.

As well, section **80025.3(b)** contains clarifying terminology to identify that the service limitations for substitute teaching are specific to the setting of the assignment. The addition of the terms "general education" and "or classroom," clarifies that an individual serving as a substitute under the provisions of this section may only serve in a general education classroom for 30 days for any one general education teacher or classroom as is specified in the Emergency 30-Day Substitute Teaching Permit regulations (Title 5 CCR section 80025(b)). The addition of the term "or more than 20 days for any one special education teacher or classroom" clarifies that an individual serving as a substitute under the provisions of this section may only serve in a special education classroom for 20 days for any one special education teacher or classroom as is specified in EC section 56061(a).

Non-Substantive Changes

There is one non-substantive change that needs to be included in Title 5 CCR section **80025.3(a)** to address a typographical error.

There is one non-substantive change to the *Note* section of Title 5 CCR section **80025.3** to remove an Education Code reference for section 44305 because this section of Education Code no longer exists.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]: The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Action: The Teaching Permit for Statutory Leave (TPSL) provides a new option for staffing statutory leave assignments that extend beyond the 20 or 30 day service limitation that applies to Emergency 30-Day Substitute Teaching Permits. The TPSL is intended to provide local education agencies (LEAs) with greater flexibility in staffing schools and creates educational continuity for students by avoiding the process of rotating substitute teachers through such assignments. The preparation required for the TPSL ensures that the individual is academically capable, knowledgeable of the subject, and has the skills to foster a positive, motivating, and equitable learning environment. The permit could afford employers the opportunity to invest in a pool of individuals with a higher level of preparation to serve in longer statutory leave assignments. The design of the document requires improved preparation beyond that of a substitute permit holder by increasing the individual's knowledge, skills, and abilities in the areas of pedagogy, classroom management, subject matter knowledge, and educational practices across the continuum of learning abilities. Having a better prepared teacher available to cover statutory leave assignments would provide a more consistent and stable learning environment for students whose teacher of record is out on statutory leave.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by providing schools with options for covering statutory leave assignments that extend beyond the service limitation of the Emergency 30-Day Substitute Teaching Permit. The proposed regulations will increase the health and safety of individuals serving in statutory leave assignments by ensuring better preparation and support from the employing agency. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking to add additional teaching or content areas to existing California general education credentials.

Notice of Proposed Rulemaking Mailing List and Responses

Mailing List

- Members of the Commission on Teacher Credentialing
- California County Superintendents of Schools
- Credential Analysts at the California County Superintendents of Schools Offices
- Superintendents of Selected California School Districts
- Deans and Directors at the California Institutions of Higher Education with Commission-approved programs
- Credential Analysts at the California Institutions of Higher Education with Commission-approved programs
- Presidents of Selected Professional Educational Associations

Also placed on the Internet at <http://www.ctc.ca.gov>.

Tally of Responses

As of June 3, 2016, the Commission had received the following written responses to the public announcement:

Support

3 organizational opinions
5 personal opinions

Opposition

0 organizational opinions
0 personal opinions

Total Responses: 8

Written Responses Representing Organizations in Support

1. Julie Gainey, Personnel Assistant, Yucaipa-Calimesa Joint Unified School District
2. Jenny Teresi, Administrator I, Credentials Services, Riverside County Office of Education
3. Doreen Lohnes, Anne DeFosse, and Eli Gallup, Special Education Local Plan Area Administrators (SELPA) of California Santa Ana Unified School District

Written Responses Representing Personal Opinions in Support

1. Pamela Carson, Human Resources Technician, San Joaquin County Office of Education

2. Stephanie Magdaleno, Human Resources Technician, San Joaquin County Office of Education
3. Aimee Nicewonger, Credentials Analyst, San Joaquin County Office of Education
4. Jessica Garcia, Human Resources, Imagine Schools at Imperial Valley
5. Edward Cortez, Human Resources Clerk, Imagine Schools at Imperial Valley

Staff Recommendation

Staff recommends that the Commission adopt the proposed additions and amendments to sections 80022 and 80025.3 of Title 5 of the California Code of Regulations pertaining to the Teaching Permit for Statutory Leave.

CALIFORNIA CODE OF REGULATIONS TITLE 5. EDUCATION DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

§ 80022. Teaching Permit for Statutory Leave

Local employing agencies may request the Teaching Permit for Statutory Leave to be used when a teacher of record is unable to provide services due to a statutory leave.

(a) If a local employing agency elects to request a Teaching Permit for Statutory Leave, the following shall be required for the initial issuance:

(1) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(2) Possession of a baccalaureate or higher degree from a regionally accredited college or university.

(3) Meet the basic skills requirement as described in Education Code section 44252, unless exempt by statutes or regulations.

(4) Successful completion of the subject matter requirement for the authorization(s) requested as found in (A), (B) or (C):

(A) For any single subject authorization, completion of one of the following:

1. 18 semester units (or 9 upper division units), or equivalent quarter units, of appropriate non-remedial course work taken at a regionally accredited college or university with a grade of "C" or higher, "Pass", or "Credit" in a single subject or subsumed subject area as defined in §80005.

2. A degree major in a statutory single subject or subsumed subject area as defined in §80005.

3. Passage of the appropriate subject-matter examination(s) in the single subject area as provided in Education Code Sections 44280, 44281, and 44282.

(B) For the multiple subject authorization, completion of one of the following:

1. At least 10 semester units of non-remedial course work taken at a regionally accredited college or university with a grade of "C" or higher, "Pass", or "Credit" in each of at least four of the following subject areas or at least 10 semester units of course work in each of three subject areas and an additional 10 semester units of course work in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, history, literature, humanities, mathematics, the arts, science, physical education, social science and human development.

2. A degree major in liberal studies.

3. Passage of the appropriate multiple subject subject-matter examination(s) as provided in Education Code Sections 44280, 44281, and 44282.

(C) For the special education authorization, completion of one of the requirements in either (A) or (B), or one of the following:

1. Verify a minimum of one year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students.

2. Verify a minimum of 9 semester units of course work in special education or in a combination of special education and regular education that are appropriate to a special education or regular education teaching credential.

(5) The local employing agency shall submit to the Commission verification of completion of 45 hours of pre-service preparation that shall include, but is not limited to, the following:

(A) Foundational level content covering Curriculum and Instruction.

(B) Foundational level content covering Reading and Language Arts.

(C) Foundational level content covering Pedagogy.

(D) Foundational level content covering Human Development.

(E) Foundational level content covering Teaching English Learners.

(F) Foundational level content covering Best Practices in Instruction and Individualized Education Programs.

(G) Foundational, intermediate, and proficient level content for Health, Safety and Hygiene.

(H) Foundational, intermediate, and proficient level content for Ethics.

(I) Foundational, intermediate, and proficient level content for Local Context.

(J) Foundational level content covering Classroom Management and the Learning Environment.

(6) The local employing agency shall submit to the Commission verification of orientation, mentoring, and accountability.

(b) The Teaching Permit for Statutory Leave shall be valid for no less than one year and expires one calendar year from the first day of the month immediately following the date of issuance.

(c) Use of the Teaching Permit for Statutory Leave for statutory leave assignments shall be restricted to the local employing agency(s) requesting the permit.

(d) If a local employing agency elects to request the reissuance of the Teaching Permit for Statutory Leave, the following shall be required:

(1) For the first reissuance:

(A) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(B) The local employing agency shall submit to the Commission verification of continued mentoring and accountability.

(C) The local employing agency shall submit to the Commission verification of completion of an additional 45 hours of preparation that shall include, but is not limited to, the following:

1. Intermediate level content covering Curriculum and Instruction.

2. Intermediate level content covering Reading and Language Arts.

3. Foundational level content covering Relationships Between Theory and Practice.

4. Intermediate level content covering Pedagogy.

5. Intermediate level content covering Teaching English Learners.

6. Foundational and intermediate level content covering Using Technology in the Classroom.

7. Intermediate level content covering Best Practices in Instruction and Individualized Education Programs.

8. Foundational, intermediate, and proficient level content for Local Context.

9. Intermediate level content covering Classroom Management and the Learning Environment.

(2) For the second reissuance:

(A) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(B) The local employing agency shall submit to the Commission verification of continued mentoring and accountability.

(C) The local employing agency shall submit to the Commission verification of completion of an additional 45 hours of preparation that shall include, but is not limited to, the following:

1. Proficient level content covering Curriculum and Instruction.

2. Proficient level content covering Reading and Language Arts.

3. Intermediate and proficient level content covering Relationships Between Theory and Practice.

4. Proficient level content covering Pedagogy.

5. Intermediate and proficient level content covering Human Development.

6. Proficient level content covering Teaching English Learners.

7. Proficient level content covering Using Technology in the Classroom.

8. Proficient level content covering Best Practices in Instruction and Individualized Education Programs.

9. Foundational, intermediate, and proficient level content for Local Context.

10. Proficient level content covering Classroom Management and the Learning Environment.

(3) For the third and all subsequent reissuances:

(A) Submission of an application form as defined in §80001; the processing fee as specified in §80487(a)(1); and fingerprint clearance as specified in §80442.

(B) The local employing agency shall submit to the Commission verification of continued mentoring and accountability.

(C) The local employing agency shall submit to the Commission verification of completion of professional learning activities that are offered to the local employing agency's regular teaching staff.

(e) The Teaching Permit for Statutory Leave may be issued with one or more of the following authorizations:

(1) A multiple subject authorization that shall authorize instructional service as the interim teacher of record to students in a self-contained setting as defined for the Multiple Subject Teaching Credential in §80003.

(2) A specific single subject authorization that shall authorize instructional service as the interim teacher of record to students in a departmentalized setting as defined for the Single Subject Teaching Credential in §80004.

(3) A special education authorization that shall authorize instructional service as the interim teacher of record to students with any disability area as is authorized by an Education Specialist Instruction Credential in §80048.6.

(f) Definitions:

(1) The term "accountability" as used in this section shall mean the following:

(A) That the local employing agency has made reasonable efforts in hiring a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and that no such candidate is available, and

(B) That documentation verifying the appropriate use of each permit holder's assignment shall be kept on file with the local employing agency and that data on the assignments of the permit holder shall be reported to the local county office of education annually as part of the assignment monitoring specified under Education Code section 44258.9. Documentation verifying the appropriate use of each permit shall include:

1. name of the permit holder serving in the assignment,
2. teacher of record,
3. specific statutory leave section that justifies use of the TPSL permit,
4. school site of assignment,
5. setting, subject, and grade level of statutory leave assignment,
6. name of mentor assigned to TPSL permit holder, and
7. number of cumulative day the TPSL holder served in specific statutory leave assignment.

(2) The term "Best Practices in Instruction and Individualized Education Programs" as used in this section shall mean the following: federal disability category definitions and specific

best practices; basic explanation of individualized education programs and other special education acronyms; how to interpret an individualized education program goal and collect data; how to interpret and implement a behavior plan; differentiated instruction and universal design for learning including visual supports, applied behavior analysis and positive behavioral interventions and supports; communication with parents; working with related service providers and paraeducators.

(3) The term “Classroom Management and the Learning Environment” as used in this section shall mean the following: research based strategies for creating and maintaining effective learning environments; classroom organization; behavior management plans that support student engagement and learning; positive behavior supports; and local context (e.g., school-wide behavior management systems, Positive Behavioral Interventions and Support (PBIS), Multi-Tier Systems of Support (MTSS), Response to Instruction and Intervention (RTI2), Restorative Justice Approach).

(4) The term “Curriculum and Instruction” as used in this section shall mean the following: preparation in developing, implementing, adapting, modifying, and evaluating a variety of pedagogical approaches to instruction; using and developing instructional sequences and lesson plans that provide all students with equitable access to the content and experiences found in the state-approved core curriculum.

(5) The term “employing agency” as used in this section shall mean any of the following: public school districts in California; county offices of education or county superintendents of schools in California; schools that operate under the direction of a California state agency; nonpublic, nonsectarian schools and agencies as defined in Education Code sections 56365 and 56366; charter Schools as established in Education Code section 47605.

(6) The term “Ethics” as used in this section shall mean the following: confidentiality regarding student information; mandated reporting and child abuse prevention; Americans with Disabilities Act of 1990 (ADA); Individuals with Disabilities Education Act (IDEA); Section 504 of the Rehabilitation Act of 1973; non-discrimination; universal access, designing and implementing equitable and inclusive learning environments for all students.

(7) The term “foundational” as used in this section shall mean the most basic or introductory level.

(8) The term “Health, Safety and Hygiene” as used in this section shall mean the following: emergency behavior interventions and de-escalation strategies; establishing a physically, socially, and emotionally safe classroom environment; specialized health care procedures; injury and illness prevention; lifting, carrying, and use of mechanical lifts and equipment; general and specialized ergonomics; blood-borne pathogens and universal precautions.

(9) The term “Human Development” as used in this section shall mean the following: comprehensive knowledge of typical and atypical human development from the prenatal

stage through adulthood; knowledge of developmental stages and development associated with various disabilities and risk conditions (e.g. visual impairment, autism spectrum disorders, cerebral palsy); resilience and protective factors (e.g. attachment, temperament) and their implications for learning.

(10) The term “intermediate” as used in this section shall mean that which is in advance of or builds upon the foundational level.

(11) The term “Local Context” as used in this section shall mean the following: employer specific software or programs used for attendance, grading, and individualized education program tracking; school expectations; local educational programs.

(12) The term “mentoring” as used in this section shall mean that for each statutory leave assignment the local employing agency shall provide an average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment and that within this system of support the TPSL holder shall be provided lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and Individualized Education Programs (IEPs).

(13) The term “orientation” as used in this section shall mean that the local employing agency shall provide early orientation to the assignment before or during the first month of service in the statutory leave assignment.

(14) The term “Pedagogy” as used in this section shall mean the following: introductory coursework in planning and delivering content-specific instruction consistent with state-adopted academic content standards for students and curriculum frameworks; knowledge of the full range of the service delivery system, including special and general education, diversity of grades/ages, and federal disability categories.

(15) The term “professional learning activities” as used in this section shall mean activities that are offered to the local employing agency’s regular teaching staff.

(16) The term “proficient” as used in this section shall mean the complete or skilled level.

(17) The term “Reading and Language Arts” as used in this section shall mean the following: systematic instruction in reading, writing, listening, and speaking aligned to the state adopted English Language Arts Content Standards and the Reading/Language Arts Framework that meets the needs of the full range of learners including struggling readers, students with special needs, typologies of English language learners, speakers of non-standard English, students who have no communication/language system, and advanced learners who have varied reading levels and language backgrounds.

(18) The term “Relationships Between Theory and Practice” as used in this section shall mean the following: exposure to the relationships between foundational issues, theories, and

professional practice in relation to the principles of human learning and development, pedagogical strategies, curriculum, instruction, assessment, student accomplishments, attitudes, and conduct.

(19) The term “statutory leave” as used in this section shall mean when an employing agency must temporarily fill a position belonging to a teacher of record whose absence is authorized by any leave as defined in Education Code section 44977, Education Code section 44978, Education Code section 44984, Government Code section 12945, Government Code section 12945.2 and 29 U.S.C. Chapter 28.

(20) The term “Teaching English Learners” as used in this section shall mean the following: principles of linguistic development; language acquisition; assessment of language proficiency; academic delivery and building strategies for English language learners; knowledge of educational equity, diversity, cultural and linguistic responsiveness and their implementation in curriculum content and school practices for all students.

(21) The term “Using Technology in the Classroom” as used in this section shall mean the following: knowledge in the basic principles of operation of computer hardware and software; use of technology to facilitate the teaching and learning process; legal and ethical issues related to the use of technology; best practices and research on the use of technology to deliver lessons that enhance student learning; integration of technology-related tools into the educational experience.

Note: Authority cited: Section 44225(g), Education Code. Reference: Sections 44225(b), 44225(d), 44225(e), 44225(l), 44252, 44258.9, 44280, 44281, 44282, 44300(i), 44977, 44978, 44984, 47605, 56365 and 56366, Education Code.

§ 80025.3. Day to Day Substitute Teaching

- (a) The holder of a valid California teaching or services credential for which the requirements are equal to or greater than those listed in Title 5 Section 80025(a)(1) and (2) for an Emergency 30-Day Substitute Teaching Permit is authorized to serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults. However, the holder shall not serve as a substitute for more than 30 days for any one teacher during the school year. Holders of teaching or services credentials issued prior to February 1, 1983 will not be held to the requirement in Education Code ~~s~~§44252(b) if the requirements for the credential included a bachelor's degree and a professional preparation program.
- (b) The holder of a permit or credential issued according to the provisions of Title 5 Section 80021, 80021.2, 80022, 80023.2, 80025.1 or 80071.4(c) may, in addition to the authorization of the permit, serve as a substitute in any classroom; preschool, kindergarten and grades 1-12, inclusive; or in classes organized primarily for adults during the valid period of the permit in any district within the county listed on the document. However, the holder shall not serve as a substitute for more than 30 days for any one general education teacher or classroom, or more than 20 days for any one special education teacher or classroom during the school year.

(c) The provisions of this section do not apply to teachers who hold documents issued under the provisions of Education Code Sections ~~44305~~, 44321 or 44325.

Note: Authority cited: Section 44225(q) and 56061(a), Education Code. Reference: Section 44225(e), Education Code.